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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/610,933	07/06/00	RAAB	GMRR PABO-5

MM92/1022
FREDERICK H RAAB
GREEN MOUNTAIN RADIO RESEARCH COMPANY
50 VERMONT AVENUE
COLCHESTER VT 05446

EXAMINER SHINGLETON, M

ART UNIT 2817	PAPER NUMBER
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DATE MAILED: 10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09-610,933

Applicant(s)

Raa6

Examiner

SHINGLETON

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period of Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-55 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-55 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species 1a directed toward the embodiment shown in Figs. 5-8 with the filter shown in Fig 2. Species 1b directed toward the embodiment shown in Figs. 5-8 with the filter shown in Fig 3. Species 1c directed toward the embodiment shown in Figs. 5-8 with the filter shown in Fig 4. Species 1d directed toward the embodiment shown in Figs. 5-8 with the filter shown in Fig 13. Species 1e directed toward the embodiment shown in Figs. 5-8 with the filter shown in Fig 22. Species 2a directed toward the embodiment shown in Fig.9 with the filter shown in Fig 2. Species 2b directed toward the embodiment shown in Fig.9 with the filter shown in Fig. 3. Species 2c directed toward the embodiment shown in Fig.9 with the filter shown in Fig.4. Species 2d directed toward the embodiment shown in Fig.9 with the filter shown in Fig. 13. Species 2e directed toward the embodiment shown in Fig.9 with the filter shown in Fig. 22. Species 3a directed toward the embodiment shown in Fig. 17-19 with the filter shown in Fig. 2. Species 3b directed toward the embodiment shown in Fig. 17-19 with the filter shown in Fig. 3. Species 3c directed toward the embodiment shown in Fig. 17-19 with the filter shown in Fig. 4. Species 3d directed toward the embodiment shown in Fig. 17-19 with the filter shown in Fig. 13. Species 3e directed toward the embodiment shown in Fig. 17-19 with the filter shown in Fig. 22. Species 4a directed toward the embodiment shown in Figs. 20 and 21 with the filter shown in Fig. 2. Species 4b directed toward the embodiment shown in Figs. 20 and 21 with the filter shown in Fig. 3. Species 4c directed toward the embodiment shown in Figs. 20 and 21 with the filter shown in Fig. 4. Species 4d directed toward the

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embodiment shown in Figs. 20 and 21 with the filter shown in Fig. 13. Species 4e directed toward the embodiment shown in Figs. 20 and 21 with the filter shown in Fig. 22.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is considered to be generic.

3. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

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5. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956. FAX no. (703) 308-7724. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Shingleton whose telephone number is (703) 308-4903. The examiner's normal work schedule is Mon-Fri. with first Fridays of the bi-week off. For example January 4, 2001 would be a normal first Friday off. The examiner's normal hours range from 5:30-10:30 AM to 2:30-8:00 PM.

Shingleton

October 4, 2001

Michael B Shingleton
MICHAEL B SHINGLETON
PRIMARY EXAMINER
GROUP PART UNIT 2817